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10/588,974	08/10/2006	Shinichirou Omatsu	294866US3PCT	4629
22850	7590	07/21/2010	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			FRANCIS, FAYE	
			ART UNIT	PAPER NUMBER
			3725	
			NOTIFICATION DATE	DELIVERY MODE
			07/21/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-14, 17, 19, 24-25 and 28-34 are finally rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (5,133,504).

Smith et al. discloses in Figs 2a-7, a process for preparing a toner comprising: pulverizing a resin composition with a jet type pulverizer comprising a venturi nozzle and an impact member arranged so as to face the venturi nozzle, wherein the impact member includes a cylindrical member of which a bottom is in a form of a part of a true circle or an oval, wherein the cylindrical member comprises an impact side on a curved side, and the impact side faces toward an inlet of the venturi nozzle, wherein an axis of the cylindrical member is disposed at a non-zero angle relative to a longitudinal axis of the venturi nozzle, and wherein the axis of the cylindrical member is parallel to the impact side facing toward the inlet of the venturi nozzle (Fig. 4a).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 15 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi in view of Smith et al. JP 200-140675, hereinafter JP'675.

Smith et al. discloses most of the elements of this claim but may not disclose an inner side of the throat part forms a smooth, continuous arc starting from the inlet to the diffuser part.

JP'675 is cited to show desirability, in the relevant art, to provide the inner side of the throat part so that it forms a smooth, continuous arc starting from the inlet to the diffuser part (Fig. 3) in order to effectively ground the material. It would have been to modify the throat part in the device of Smith et al. to have a smooth, continuous arc as taught by JP'675 in order to effectively ground the material.

6. Claims 18 and 20-21 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. in view of Ohnishi et al. (5,934,575), hereinafter Ohnishi.

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Ohnishi et al. discloses that preparing fine resin composition by melt-kneading a mixture containing a resin binder and a colorant and mixing an external additive such as silica in toner particles for the purpose of improving the properties of toner is conventional.

7. Claim 16 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Ohnishi. Providing a jet mill with venture nozzle as stated in claim 16 is well known in the art and as matter of design choice and of no patentable merit.

Response to Arguments

8. Applicant's arguments with respect to claims 13-20, 24-25 and 28-34 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Francis whose telephone number is 571-272-4423. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Faye Francis/
Primary Examiner
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